

Dominican Republic (Tier 2)

The Government of the Dominican Republic does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Dominican Republic remained on Tier 2. These efforts included convicting more traffickers and issuing severe penalties to several of them, developing a new national action plan, and increasing efforts to combat labor trafficking. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer cases and issued inadequate sentences to some convicted traffickers. The government did not offer comprehensive and sufficient specialized services for all victims and did not effectively screen for trafficking indicators or refer victims to care.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers involved in forced labor and sex trafficking, including complicit government officials. • Provide a dedicated budget to fully implement the national action plan. • Provide adequate human and financial resources and training to law enforcement, prosecutors, and judges to combat trafficking, particularly in areas outside of Santo Domingo. • Adequately fund and provide comprehensive, specialized services for victims. • Increase efforts to identify and combat child sex trafficking, including child sex tourism. • Proactively screen for trafficking indicators among Venezuelans and undocumented or stateless persons at risk of deportation, including those of Haitian descent, to identify victims, refer them to care, and prevent re-trafficking. • Fully implement protocols to identify adult and child trafficking victims and refer them to protective services. • Amend the 2003 anti-trafficking law to remove the requirement to prove force, fraud, and coercion of sex trafficking victims younger than 18 years of age and in order to be consistent with international law.

PROSECUTION

The government maintained prosecution efforts, but a lack of resources and personnel and leadership turnover hampered efforts. Dominican law criminalized sex trafficking and labor trafficking. The 2003 Law on Human Smuggling and Trafficking (Law 137-03) criminalized all forms of labor trafficking and some

forms of sex trafficking and prescribed penalties of 15 to 20 years' imprisonment and fines. Inconsistent with international law, the law required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. Article 25 of the Child Protection Code of 2003 criminalized the offering, delivering, or accepting, without regard to means used, anyone younger than 18 years of age for the purpose of sexual exploitation, forced labor, or any other purpose that demeaned the individual, for remuneration or any other consideration, and prescribed a penalty of 20 to 30 years' imprisonment and a fine. All these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In partnership with NGOs and a foreign donor, the government began efforts to revise its law to remove the need to prove force, fraud, or coercion for child sex trafficking.

In 2018, the Attorney General's Office initiated 11 investigations (17 in 2017, 25 in 2016, and 15 in 2015) and prosecuted five cases involving 14 suspected traffickers. This is compared with 20 traffickers prosecuted in 2017, 40 traffickers in 2016, and 49 traffickers in 2015. The Attorney General's Office secured convictions of 22 defendants in nine cases of sex trafficking and one case of sex and labor trafficking in 2018, compared to 16 defendants convicted in 13 cases in 2017 and 13 defendants convicted in seven cases in 2016. Seventy percent of the 2018 convictions occurred in cases with underage victims. A court sentenced one trafficker to 25 years in prison, the maximum sentence prescribed by the trafficking law due to the existence of aggravating circumstances, and ordered the trafficker to pay 500,000 Dominican pesos (\$10,010) compensation to each of the three victims. Two traffickers received sentences of 15 years in prison. Other sentences ranged from two to 10 years, with three including a portion of the sentence suspended and one taking into account time served. During the reporting period, the court of appeals upheld a 2017 guilty verdict in one trafficking case. In 2017, the government charged two police officers and two members of the military with sex trafficking; authorities suspended these individuals from their jobs and held them in pretrial detention pending the outcome of their court cases. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

The national police anti-trafficking unit (ATU) opened 45 investigations in 2018; this compared with 83 investigations in 2017. The national police also conducted

six raids in sex trafficking cases, versus seven in 2017, three in 2016, and none in 2015. In addition, in 2018, two foreigners (German, Italian) were charged and four foreigners were convicted (Canadian, Italian, French, and American) with child sex tourism. In 2017, the Attorney General's Office charged 12 foreigners (American, Canadian, German, and Venezuelan) with child sex tourism and convicted four of them; the other eight cases were pending. The police reported 18 open investigations related to child sex tourism in Sosua and Puerto Plata and five in Boca Chica. The government cooperated with the United States, Belgium, Argentina, and Spain, on investigations and prosecutions of traffickers; this included the 2017 arrest and joint U.S.-Dominican investigation of a U.S. citizen for child sex trafficking, which resulted in a 2018 U.S. conviction. The government announced it significantly increased its military and law enforcement presence along the border. However, the limited number of police officers dedicated to combat trafficking, lack of resources, and procedural inefficiency hindered progress.

In September 2018, the Attorney General replaced many of his top and more experienced prosecutors, including the prosecutor for the specialized anti-trafficking unit. The leadership for the unit changed twice within the last year, and the Attorney General's office had only two prosecutors for the majority of the reporting period—half the number of previous years. Although the office added one additional prosecutor in late 2018, experts noted the lack of human and financial resources for prosecution was an area of urgent concern. The government's anti-trafficking resources were concentrated in Santo Domingo, resulting in gaps in other areas of the country. Judges, prosecutors, and police lacked specialized training in investigating, identifying, prosecuting, and sentencing those accused of trafficking crimes. Experts reported observing some judges favored the rights of defendants over the rights of trafficking victims. In 2018, 480 National Police officers received training on investigations and victim identification by an international organization; this was an increase from 300 officers trained in 2017. With funding from a foreign donor, 32 prosecutors from throughout the Dominican Republic received training on trafficking cases.

PROTECTION

The government maintained victim protection efforts. Authorities identified 96 victims (84 sex trafficking, 12 labor trafficking), compared with 102 sex trafficking victims identified in 2017 and 157 sex trafficking victims in 2016. All

96 were female and included 25 minors and 71 adults. Sixty-eight of the 71 adults were foreigners. In collaboration with other government agencies, international organizations, and NGOs, the ATU provided foreign and domestic trafficking victims accommodation in shelters, psychological, and legal assistance, reintegration and repatriation assistance, medical services, and support for higher education. The government permitted victims to work. According to NGOs, fifteen victims participated in the legal process of their cases. With NGO funding, the government assisted in the repatriation of four Venezuelan adult victims of trafficking to their country of origin. The government referred 40 victims to shelters and care centers; the remainder chose to stay with family members or acquaintances. The government coordinated housing and an airline ticket for a Dominican victim in Nicaragua, as well as an airplane ticket for a Dominican victim in Bahrain.

The government reported spending 545,500 Dominican pesos (\$10,920) for victim assistance. NGOs reported victim services were ad hoc, minimal, and not well coordinated or specialized. The government did not report the amount of assistance spent on victims. Authorities and observers noted the government lacked adequate funding, shelter capacity, trained personnel, equipment, and knowledge to provide adequate victim protection. There were no full-time government shelters for adult trafficking victims. In June 2018, the government signed an agreement with the Dominican Conference of Religious Men and Women to operate Casa Malala, which would be the government's first adult victim shelter in Santo Domingo, but the shelter was not open full-time while the government developed a protocol governing its operation. Child trafficking victims were sheltered with other children in government centers that were unable to offer specialized, expert care.

Government officials reported having protocols to identify and assist adult and child trafficking victims; however, authorities did not fully or effectively implement the protocols across all levels of government nationwide. The government worked with NGOs to screen for potential victims; experts reported the lack of a formal referral process for victims. The government had protocols to screen for trafficking victims when detaining or arresting individuals in vulnerable groups, but authorities acknowledged that they have not yet applied them effectively. Experts assessed the government did not have the capacity to effectively screen adult Haitian migrants who might be victims of trafficking before facing penalties and being deported back to Haiti. The government, working

with NGOs, offered protection to trafficking victims during the legal process. However, the court system lacked a sufficient number of specialized cameras to allow victims to be interviewed in a safe environment when necessary to avoid re-traumatization. Experts reported victims could give testimony by video or written statements. The government provided legal assistance to victims who wished to file civil suits against their traffickers. In 2018, two convictions required the traffickers pay restitution to the victims: in one case 500,000 Dominican pesos (\$10,010); and a second case was an upheld appeals case that required 150,000 Dominican pesos (\$3,000). This is compared with no victims receiving restitution in 2017 or 2016. The National Institute of Migration (INM), an autonomous government agency, offered a certificate program to employees of the Ministry of the Interior and Police on providing protection and assistance to women and girl victims of trafficking; 45 individuals received training through this program. In November 2018, the government partnered with an NGO and provided in-kind assistance to host a workshop on caring for child survivors of sexual exploitation; thirty-five officials from Santo Domingo, Sabana Perdida, Boca Chica, and Los Alcarrizos participated.

PREVENTION

The government increased prevention efforts. In May 2018, the government adopted a new national anti-trafficking plan, which replaced the national plan that expired in 2014. The plan assigned goals, responsibilities, and deadlines to each of the 14 government agencies comprising the Inter-institutional Commission Against the Trafficking of Persons and Illicit Smuggling of Migrants (CITIM), overseen by the Ministry of Foreign Affairs. By the end of the reporting period, the government did not specify whether it allocated the necessary human and financial resources in the national budget to support the plan. Observers lauded the plan's content but questioned whether the government would devote sufficient resources to its implementation.

Authorities noted improved attention and partnerships to identify and combat potential labor trafficking cases. In 2018, the Ministry of Labor completed an externally funded assessment project carried out by an international organization that analyzed the strengths and weaknesses of the Inspections Department of the Ministry of Labor. The government planned to use this assessment to create a roadmap for improvement. The Ministry of Labor accepted a grant from an external funder to strengthen its technical capacity and raise private sector

awareness of the worst forms of child labor, including labor trafficking, with the help of an international organization. The Ministry of Labor participated in a training program sponsored by a foreign government on trafficking and is working with an international organization to increase capacity, including increasing awareness and understanding of how to identify and combat labor trafficking.

The government, in partnership with NGOs and the Dominican airport agency, which provided space for the event, launched a campaign against sexual exploitation and abuse of minors, which included trafficking, at several airports; authorities also sent these campaign materials to Dominican embassies. The Attorney General's office partnered with a foreign donor to host a conference to raise awareness about the importance of protecting victims' rights in criminal proceedings, strengthening inter-institutional cooperation and coordination, and improving use of new technologies to counter the online recruitment and exploitation of children, women, and men. The Ministry of Education and the Dominican Federation of Municipalities participated in a foreign donor-sponsored program on preventing trafficking that trained 252 public school counselors and 40-plus technicians from the Ministry of Education, 25 vice-mayors, and 55 municipal officials who work with women and youth in the National District, Puerto Plata, Samaná, San Juan and Santiago. These officials in turn provided training for at least 12,600 teenage student leaders at schools in those locations. The Ministry of Women conducted training workshops for six municipal networks on the prevention and detection of trafficking cases, as well as a workshop on trafficking for 911 emergency lines. The government partnered with an international organization and conducted a "training of trainers" program for specialized tourist police in Puerto Plata, hotel, and restaurant security managers in Bavaro and Punta Cana, and hotel managers in Boca Chica. The government compiled data on its anti-trafficking efforts and published its annual report. INM also started a new project with a foreign government focused on increasing the capacity of journalists to report on trafficking crimes. The government operated a national trafficking hotline 24 hours a day. The government did not provide information on the number of calls received or investigated. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Dominican Republic, and traffickers exploit victims from the

Dominican Republic abroad. Dominican women and children were sex trafficking victims throughout the Dominican Republic, the Caribbean, South and Central America, Europe, the Middle East, and the United States. Foreign national victims from the Caribbean, Asia, and Latin America were trafficking victims in the Dominican Republic. Experts noted an increase in the number of Venezuelan trafficking victims in the Dominican Republic since the onset of Venezuela's economic and political crisis. The Dominican Republic is a destination for sex tourists primarily from North America and Europe, who target Dominican children for child sex trafficking. Sex trafficking of 15- to 17-year-old girls occurs in streets, in parks, and on beaches. Government officials and NGOs report an increase in traffickers recruiting Colombian and increasingly Venezuelan women to dance in strip clubs and later coerce them into sex trafficking. Traffickers lure Dominican women to work in nightclubs in the Middle East, Africa, the Caribbean, and Latin America and subject them to sex trafficking. Dominican officials and NGOs documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, and moving illicit narcotics. There are reports of forced labor of adults in construction, agricultural, and service sectors. Haitian women report smugglers often become traffickers for the purpose of sexual exploitation along the border, and observers note traffickers operate along the border with impunity and sometimes with the assistance of corrupt government officials who accept bribes to allow undocumented crossings. Unofficial border crossings remain unmonitored and porous, leaving migrants, including children recruited to work in the agricultural and construction sectors, vulnerable to trafficking. NGOs report police complicity in areas known for child sex trafficking.